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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,542

07/23/2003

Man Chi Li

402725

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23548

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10/19/2004

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER

KLAUS, LISA NHUNG

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,542

Applicant(s)

LI, MAN CHI

Examiner

Lisa N. Klaus

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US 6,626,473) in view of Schaad (US 3,940,585).

Klein discloses an electrical switch 16 contains moving and fixed contacts (not shown) comprising:

- a housing 10 having an opening 15;
- at least one moving contact movable by the switching member 17 for movement to come into contact with and out of contact from the fixed contacts (not shown), and
- an actuator cap 21 disposed in the opening for movement to actuate the switching member 17 and in turn the moving contact, with a gap (see the attachment) formed between the actuator cap 21 and the opening 15 that surrounds the actuator cap 21;
- wherein a resiliently deformable seal 22, 30 is connected across the opening 15 and the actuator cap 21 to seal off the gap (see the attachment), thereby avoiding entrance of foreign matter through the gap (see the attachment) into the housing 10;
- wherein the seal 22, 30 has a folded cross-section 29, 39 providing the extended length;

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- the seal across section 29, 39 have a U-shaped bend pointing inwards;
- the seal 22, 30 has an intermediate portion (see the attachment) between the opening and the actuator, the portion being folded and having a reduced thickness;
- the seal 22, 30 comprises a sleeve 29, 39 having opposite ends connected to the opening (see the attachment) and the actuator cap 21 respectively, a first of the ends (see the attachment), being disposed around the corresponding one of the opening and actuator cap 21;
- the second end (see the attachment) is also disposed around the other of the opening and actuator cap 21;
- the first end is stretched around a part forming the opening or of the actuator cap 21 to which the first end is connected;
- the first end and a part forming the opening or of the actuator cap 21 to which the first end is connected have complementary cross-sections mated together;
- the seal 34 comprises an inner part 29 and 39 that is resiliently deformable and an outer part 22 and 30 that is considerably thicker than the inner part 29 and 39 and surrounds and protects the actuator 21;
- the outer part 22 and 30 is *substantially* cylindrical and contains *substantially* wholly the inner part 29 and 39.
- the inner and outer parts together have a Z-folded cross-section;
- the electrical switch being a pushbutton switch.

2. Regarding claim 1, Klein does not disclose a pushbutton switch having a plurality of fixed contacts.

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Schaad discloses a push-button electrical switch comprising a plurality of fixed contacts 20a and 20b.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pushbutton switch having a plurality of fixed contacts as taught by Schaad with Klein's switch for the purpose of open and close the circuit, since it has been held to be within the general skill of a worker in the art to choose a different type of switch with plurality of fixed contacts as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Page 7, applicant argues that Rapp et al. does not disclose "the switch including a resiliently deformable seal comprising an inner part that.....thicker than outer part" and " Rapp does not disclose the inner and outer parts. The newly found reference of Schaad is applicable to the limitation of claims 1 and 11. Therefore, a new ground of the rejection is presented.

Conclusion

4. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In

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the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

September 27, 2004


ELVIN ENAD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

10/17/04

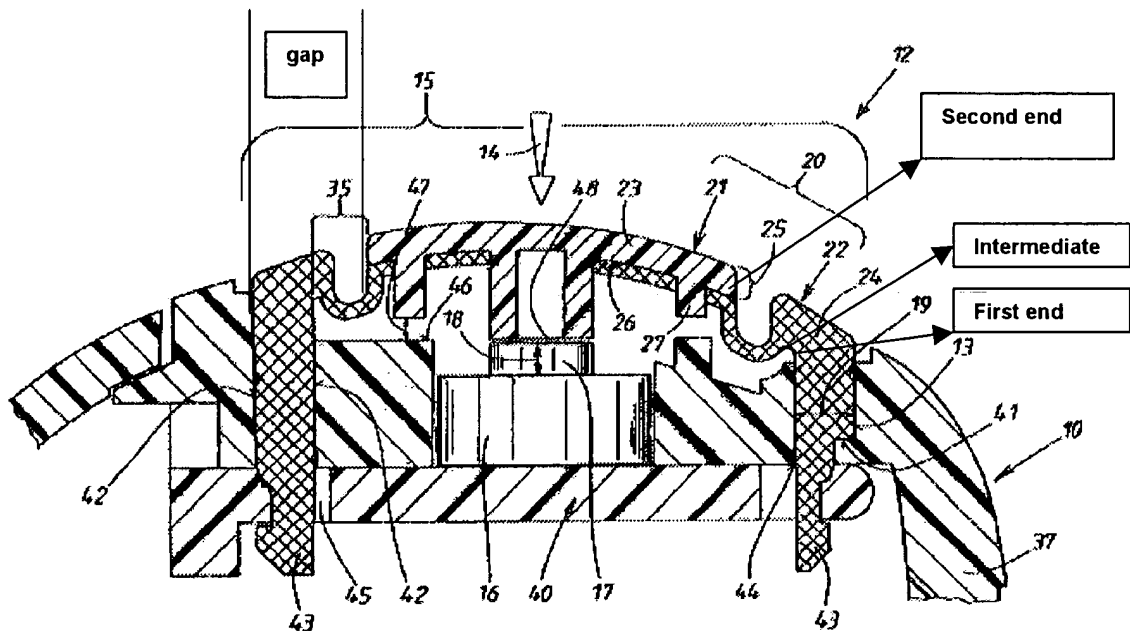


FIG. 2